

**U.S. Department of Labor**

Assistant Secretary for  
Employment and Training  
Washington, D.C. 20210



JUL - 7 2005

The Honorable Jon Huntsman, Jr.  
Governor of Utah  
Utah East Office Building, Suite E220  
Post Office Box 142220  
Salt Lake City, Utah 84114-2220

Dear Governor Huntsman:

It is with pleasure that I respond to the State of Utah's request for waivers of statutory and regulatory requirements under the Workforce Investment Act (WIA). This action is taken under the Secretary's authority to waive certain requirements of WIA Title I, subtitles B and E and Sections 8-10 of the Wagner-Peyser Act. In the Strategic State Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act for the two-year period, July 1, 2005, through June 30, 2007, the state submitted three requests for waivers. The following is the disposition of the state's waiver submission (copy enclosed).

Requested Waiver 1: Waiver extension to extend the time period of initial eligibility at 20 CFR 663.530.

The state reports continued difficulties with the collection of training provider performance data, particularly the "all student" information. Without a waiver, the state indicates that the Eligible Provider Training List would be diminished, leaving little customer choice. The request is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e). Accordingly, the State of Utah is granted an extension of this waiver through June 30, 2007.

Requested Waiver 2: Waiver to allow the use of up to \$700,000 of the local portion of state formula Adult and Dislocated Worker funds to operate a newly approved incumbent worker program.

The state seeks to further its efforts to enhance services for incumbent workers. The request is written in the format identified in WIA Section 189(i)(4)(B) and 20 CFR 661.420(c), and appears to meet the standard for approval at 20 CFR 661.420(e). Accordingly, the state is granted a waiver of the language that limits the authority to provide the activities identified in WIA Section 134, using statewide funds, to the state. The waiver permits the state to use the local portion of formula funds for statewide activities in the amount requested for its incumbent worker program, through June 30, 2007.

Requested Waiver 3: Waiver to modify the workforce investment definitions at WIA Section 101(25)(E) and WIA Section 101(33).

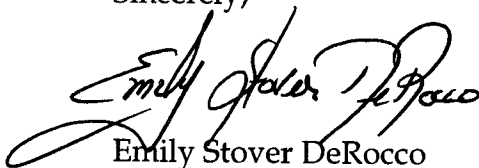
The state would like to modify the low-income definition at WIA Section 101(25)(E), to include an individual who has reached the age of eighteen and has been determined within the 60-month period prior to application for the program involved to be a foster child on behalf of whom state or local government payments are made. This request is linked to eligibility provisions, which cannot be waived.

The state has also asked to modify the definition of out-of-school youth at WIA Section 101(33) to include foster children and youth offenders, regardless of secondary school status. The state indicates that these waivers are being sought to support a state initiative to improve services and outcomes for youth in foster care, youth aging out of foster care, and youth leaving the juvenile corrections system. The state notes that the commitment of funding to support this initiative increases the struggle to meet the 30 percent expenditure requirement for out-of-school youth. This request is also linked to eligibility provisions, which cannot be waived.

As you know, improved service to out-of-school youth is central to the Department's new youth vision. We support the state's efforts to expand services to youth, and are excited about the state's new effort to serve the youth cited above. We are interested in hearing about the state's successes with this initiative and any barriers encountered as a result of implementing this initiative that may be addressed through the WIA waiver process.

We look forward to continuing our partnership with you and achieving better workforce investment outcomes. We are prepared to entertain other state and local-level waiver requests that you may wish to submit, consistent with the provisions of the WIA statute and regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Stover DeRocco", written in a cursive style.

Emily Stover DeRocco

Enclosure